

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, FEBRUARY 24, 1998  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:09 a.m. The meeting was recessed by Mayor Golding at 10:31 a.m. to convene the Redevelopment Agency. The meeting was reconvened at 10:32 a.m. by Mayor Golding with all members of the Council present. Mayor Golding recessed the meeting at 12:17 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Wear at 2:08 p.m. with Mayor Golding, Council Member Warden, and Council Member Stallings not present.

Deputy Mayor Wear announced that as a result of El Nino, a large sink hole developed in the Murphy Canyon area due to a broken storm drain pipe maintained by CalTrans. He said CalTrans is taking responsibility and is attempting to repair the hole. Deputy Mayor Wear then announced that Mayor Golding, City Manager Uberuaga, and a number of department directors, went out during their lunch hour and the Mayor was pleased to announce that the state of the City is good and stable.

Mayor Golding adjourned the meeting at 2:59 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour/Fishkin (mp/lw)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present  
(1) Council Member Mathis-present  
(2) Council Member Wear-present  
(3) Council Member Kehoe-present  
(4) Council Member Stevens-present  
(5) Council Member Warden-present  
(6) Council Member Stallings-present  
(7) Council Member McCarty-present  
(8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Yoser Ben-Zui requesting information  
regarding health care and voicing a complaint against  
UCSD Hospital.

Mayor Golding referred him to the County of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A012-029.)

ITEM-PC-2:

Comments by Reverend Sky thanking Council Member Kehoe  
for her role in promoting the North Park Teen Club;  
thanking Mayor Golding for the Six-to-Program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A030-055.)

ITEM-PC-3:

Comments by Bruce Henderson regarding obtaining copies of documents from the City and of his impending litigation against the City regarding the free food at the Stadium City Box.

Attorney Gwinn stated that Mr. Henderson's impending litigation had no legal basis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A056-098.)

ITEM-PC-4:

Mel Shapiro commented on Housing Commissioner Macia, a non-tenant serving in a Tenant Commissioner capacity.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A099-116.)

COUNCIL COMMENT:

ITEM-CC-1:

None.

ITEM-330:

SUBJECT: Matter of Updating the Otay Mesa Public Facilities Financing Plan and Development Impact Fees for Fiscal Year 1998.

(See City Manager Report P98-031; 3rd Draft Otay Mesa Public Facilities Financing Plan; Changes from Land Use and Housing Committee. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-836 REV.)                      ADOPTED AS AMENDED AS RESOLUTION  
R-289762

Adoption of a Resolution to update the Otay Mesa Public  
Facilities Financing Plan Fiscal Year 1998 and  
associated Development Impact Fees.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 2/4/98, LU&H voted 5-0 to approve with the following  
modification to paragraph 11, Page 14, dealing with Development  
Impact Fees (DIF) and the financing of SR-905 and SR-125: "It has  
been assumed that the large majority of the cost necessary to  
construct SR-905 and SR-125 will be provided from funds other  
than the DIF, e.g. State or Federal (ISTEA) Highway funds, and/or  
toll road funds, although DIF funding for a small portion is  
included in this Fiscal Year 1998 Financing Plan update."  
(Councilmembers Mathis, Stevens, Stallings, McCarty and Vargas  
voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

For Fiscal Year (FY) 1998, the City of San Diego is updating the  
Otay Mesa Public Facilities Financing Plan (PFFP) and revising  
Development Impact Fees (DIFs) identified therein. The PFFP is  
for the Otay Mesa Community Planning Area which lies in the area  
bounded by the international boundary on the south, Interstate  
805 on the west and City of San Diego city limits on the north  
and east. This PFFP updates the information and DIFs adopted by  
the City in 1994 for FY 1995. As described in the PFFP for FY  
1998, revisions include: the schedule of private developments;  
changes in number of households and nature, cost and timing of  
public facilities; utilization of a lower inflation rate from the  
previous PFFP and a consequent one percent (1%) decrease in all  
DIFs; inclusion of prorated DIFs based on interim uses as adopted  
by Council in 1994; deletion of DIF procedural Guidelines to be  
consistent with State statutes; and a new format for the PFFP and  
its project numbers.

FILE LOCATION:                      LAND - Otay Mesa Community Plan (10)

COUNCIL ACTION:                      (Tape location: C500-D104.)

Hearing began at 12:06 p.m. and halted at 12:17 p.m.

Testimony in favor by Barry Ross and John Reiss.

MOTION BY WARDEN TO ADOPT THE RESOLUTION AS AMENDED BY ADDING THE LANGUAGE TO THE RECOMMENDATION AS APPROVED BY THE LAND USE AND HOUSING COMMITTEE ON FEBRUARY 4, 1998, AS FOLLOWS: "IT IS ANTICIPATED THAT THE OTAY MESA DIF WILL CONTRIBUTE \$4,000,000.00 FOR THE PURCHASE OF RIGHT-OF-WAY IN THE YEAR 2000, SUBJECT TO THE ADOPTION OF A COOPERATIVE AGREEMENT BEING APPROVED BY THIS COUNCIL AND CALTRANS FOR SR905." Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Municipal Code Ordinance to Reduce Gun Violence  
(Trigger Lock Ordinance).

MAYOR GOLDING'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-19 Cor. Copy) INTRODUCED AS AMENDED, TO BE ADOPTED  
MARCH 16, 1998

Introduction of an Ordinance amending Chapter III, Article 3, and Chapter V, Article 3 of the San Diego Municipal Code by adding Section 33.42.12 and adding Sections 53.15.2 and 53.16 pertaining to Firearms and Weapons Violence Prevention.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A290-C198.)

MOTION BY STALLINGS TO INTRODUCE THE ORDINANCE AS AMENDED BY MAKING IT CLEAR, PERHAPS BY INSERTING AFTER THE WORD "PROVIDE", THAT THE FIREARM DEALERS KNOW THAT THE OWNER MUST PURCHASE THE TRIGGER LOCK AS PART OF THE COST OF THE WEAPON, THAT IT MUST BE DONE AT THE TIME OF THE SALE OF THE WEAPON; STIPULATE THAT A LOCKING DEVICE BE INSTALLED ON THE GUN AT THE TIME OF TRANSFER.

AMENDMENT BY WEAR TO DIRECT THE CITY ATTORNEY PREPARE A RESOLUTION ENCOURAGING THE COUNTY OF SAN DIEGO, OTHER CITIES IN SAN DIEGO COUNTY, AND THE STATE OF CALIFORNIA TO PASS SIMILAR ORDINANCES OR LEGISLATION. IN ADDITION, REQUEST MAYOR GOLDING WRITE TO THE OTHER MAYORS AND COUNCILS ON BEHALF OF THE SAN DIEGO CITY COUNCIL. BRING THIS RESOLUTION BACK TO COUNCIL AT THE TIME OF THE SECOND READING OF THE ORDINANCE AS PART OF THE PACKAGE.

Second by Stevens. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Second Amendment to the Lease Agreement with Jesse and Carol Gonzales.

(Centre City East Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-726) ADOPTED AS RESOLUTION R-289763

Authorizing a second amendment to the lease agreement with Jesse and Carol Gonzales for a small food market and restaurant at 945-51 12th Avenue, San Diego.

FILE LOCATION: LEAS - Jesse and Carol Gonzales  
LEASFY98-1

COUNCIL ACTION: (Tape location: A203-268.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Fiscal Year 1998 Neighborhood Revitalization Superfund.

(See City Manager Report P97-185.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-98-851)            RETURNED TO CITY MANAGER

Authorizing the transfer of \$1,000,000 from TransNet Fund 30300 to Neighborhood Revitalization Superfund/Older Community Fund 30305 (40 years or older);

Authorizing \$1,000,000 in Neighborhood Revitalization Superfund/Older Community Fund 30305 (40 years or older) to be divided into eight equal portions among the Council Districts, to be used on eligible street-related projects as directed by the Council District;

Renaming FY 98 Older Community Fund 30305 (40 years or older) to "Community Fund," for use on eligible projects throughout the City as directed by the Council Districts;

Authorizing and directing the City Manager to appropriate and expend \$1,000,000 in the Community Fund for eligible projects as directed by the Council Districts.

**CITY MANAGER SUPPORTING INFORMATION:**

During the Fiscal Year 1998 budget deliberations, the City Council directed that \$1,000,000 in TransNet Fund 30300 be used to fund work in the street rights-of-way Citywide, including street repair, slurry sealing, sidewalk repair, street lights, curbs and gutters, etc. as part of the Neighborhood Revitalization Superfund.

The Council further directed that the Public Safety and Neighborhood Services Committee (PS&NS) be tasked with determining specific projects to be funded. Although budgeted to be received in the FY98 Street Division budget, the \$1,000,000 remains in TransNet Fund 30300. On November 19, 1997, the PS&NS Committee voted to divide the funding into eight equal portions of \$125,000 for use on TransNet-eligible street projects at the affected Council District's discretion. In order to transfer the funding and implement this directive, the City Manager recommends that Council transfer the funding to the Neighborhood

Revitalization Superfund/Older Community Fund 30305 (40 years or older), and divide the funding into eight equal portions for use in the Council Districts. In addition, the City Manager recommends that the "40 years or older" restriction be removed from Older Community Fund and that the fund be renamed the "Community Fund" for use on TransNet-eligible projects anywhere in the City. Finally, the City Manager should be authorized and directed to work with each Council District on specific projects to be funded.

Aud. Cert. 9800899.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A203-223.)

CONSENT MOTION BY KEHOE TO RETURN THE ITEM TO THE CITY MANAGER AND FOR THE CITY MANAGER TO BRING IT BACK TO COUNCIL AFTER HE HAS DETERMINED WHETHER OR NOT FUNDS ARE NEEDED FOR EMERGENCY EXPENDITURES. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Program Planning and Studies.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-843) ADOPTED AS RESOLUTION R-289764

Authorizing the Auditor and Comptroller to transfer not to exceed \$232,737 from Fund No. 41509, CIP-45-910.3, Program Planning and Studies, as follows:

\$ 50,272 to Fund No. 41508, CIP-46-119.1, Pump Station 2 Chemical Containment Upgrade  
\$ 42,856 to Fund No. 41508, CIP-46-181.0, Force Main 1 and 2 Sluice Gates  
\$139,609 to Fund No. 41509, CIP-42-910.1, North City Water Reclamation Plant;



Authorizing the expenditure of not to exceed \$3,247,219 to provide funds for project related costs, as follows:

\$ 50,272 from Fund No. 41508, CIP-46-119.1, Pump Station 2 Chemical Containment Upgrade  
\$ 42,856 from Fund No. 41508, CIP-46-181.0, Force Main 1 and 2 Sluice Gates  
\$ 38,835 from Fund No. 41509, CIP-40-910.4, East Mission Bay Effluent Pipeline  
\$ 28,450 from Fund No. 41509, CIP-40-910.6, North City Effluent Pipeline  
\$773,469 from Fund No. 41509, CIP-42-910.1, North City Water Reclamation Plant  
\$ 95,337 from Fund No. 41509, CIP-45-920.1, Metro Systems Operation  
\$2,218,000 from Fund No. 41509, CIP-45-910.3, Program Planning and Studies;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the use of City Forces to do the work required in connection with the projects; declaring that the cost of the work shall not exceed \$685,000;

Authorizing the expenditure of not to exceed \$685,000 from Fund No. 41509, CIP-45-910.3, Program Planning and Studies, to provide funds for the above work by City forces.

CITY MANAGER SUPPORTING INFORMATION:

Since July 1991, City staff has been working on a variety of activities required to plan and maintain adequate capacity in the Metropolitan Sewage System. Program Planning and Studies (CIP-45-910.3) has provided specialized institutional studies and activities related to long range planning of the Metropolitan Sewage System. Staff work in Program Planning and Studies includes: 1) project management of the agreements between the City and various as-needed consultant services, including engineering, value engineering, environmental, archeological and biological contracts; 2) participation in meetings with representatives of public agencies, land owners, environmental and conservation groups, wildlife agencies and the public on numerous issues pertaining to the activities of the Metropolitan Sewage System and 3) preparation of the City's Subarea Plan,

Implementing Agreement, amendments to the City's Progress Guide and General Plan and to several community plans. Typically, these City work force and related cost expenditures are approved by Council when each project's first construction contract is processed.

However, since Program Planning and Studies offered project-wide support to MWWDD's building effort, there has been no specific construction contract associated with this specific CIP. This action authorizes expenditures in specific CIP's (where costs were reallocated) that were originally expended in Program Planning and Studies. This action will also allow for all costs incurred to date to be appropriated in the correct object accounts and thus allows for proper bookkeeping methodology.

Aud. Cert. 9800942.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A203-268.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: South Bay Water Reclamation Plant, Construction Package  
3, Process Facilities.

(Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-817 Corr.) ADOPTED AS RESOLUTION R-289765

Inviting bids for the South Bay Reclamation Plant,  
Construction Package 3, Process Facilities on Work  
Order No. 194282;

Authorizing a contract with the lowest responsible  
bidder;

Authorizing the City Manager to establish contract funding phases with the lowest responsible bidder for the project based on actual low bid submitted, provided that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to negotiate and enter into an amendment to the agreement of August 8, 1994 with Westinghouse Electric Corporation, a division of CBS Corporation, in connection with COMNET related costs at the South Bay Water Reclamation Plant, for an amount not to exceed \$9,750,550, provided that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$62,363,829 from Sewer Fund No. 41509, CIP-42-910.6, South Bay Reclamation Plant, to provide funds for the project construction, the proposed amendment to the COMNET agreement with Westinghouse Electric Corporation, and related costs;

Authorizing the expenditure of an amount not to exceed \$2,547,614 from Sewer Fund No. 41509, CIP-46-502.0, Annual Allocation - Pooled Contingency;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon advice from the administering department.

CITY MANAGER SUPPORTING INFORMATION:

The South Bay Water Reclamation Plant (SBWRP) is a seven million gallon per day wastewater treatment plant that will treat wastewater generated in the southern area of the City to tertiary treatment levels so that it can be reused for irrigation or other non-potable uses. Construction of the SBWRP will avoid the need to construct parallel relief facilities for the South Metro Interceptor Sewer System (SMI); facilities which have engineering complexities and cost constraints, reduce anticipated hydraulic loads to the Point Loma Wastewater Treatment Plant, and provide a source of reclaimed water. The operation of the SBWRP will enable the City to meet the performance requirements of the Ocean Pollution Reduction Act. This legislation enabled the City to

apply for and obtain a waiver from secondary treatment at Point Loma. The SBWRP project is divided into three construction contracts. At this time, approval is requested for the advertisement and award of Construction Package 3 - Process Facilities. This package includes, amount other things, construction of the headworks, primary sedimentation, secondary clarifiers, tertiary filters and UV disinfection units.

Also, included in this action is \$9,750,550 for the installation of hardware, software and instruments for the Wastewater Operations Management Network (COMNET) for the South Bay Water Reclamation Plant. The Environmental Impact Report for this project was certified by the City Council on May 13, 1997.

FILE LOCATION: W.O. 194282 CONT - Kiewit Pacific  
CONFY98-1 CCONFY98-1

COUNCIL ACTION: (Tape location: A203-268.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

SUBJECT: Redevelopment Agency FY 1997 Annual Report and Annual  
Financial Report.

(Districts-2, 3, 4, 5, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-775) ADOPTED AS RESOLUTION R-289772

Approving the Fiscal Year 1997 Annual Report and the  
Annual Financial Report of the Redevelopment Agency of  
the City of San Diego, submitted pursuant to the  
California Health and Safety Code, Division 24, Part I.

CITY MANAGER SUPPORTING INFORMATION:

California Redevelopment law requires every redevelopment agency  
to submit an annual report to its legislative body. The report

must include both programmatic and financial information about the activities of the Redevelopment Agency during the preceding fiscal year. Information for the Redevelopment Agency is prepared as two documents. The Fiscal Year 1997 Annual Report contains programmatic information on each of the fifteen redevelopment project areas and two redevelopment study areas, describing activities and achievements during Fiscal Year 1997 and major project goals for Fiscal Year 1998. A description of low and moderate income housing activity is also included. The Annual Report is prepared by the Agency's three redevelopment entities: Centre City Development Corporation, Southeastern Economic Development Corporation and the Redevelopment Division of the City's Community and Economic Development Department.

The Annual Financial Report provides, for each project area and the Agency as a whole, FY 1997 and project-to-date revenues and expenditures, assets and liabilities, remaining balances as of June 30, 1997 and changes in assessed valuation. The Financial Report is prepared by the City Auditor and Comptroller and is submitted to the State Controller's Office as mandated by the Redevelopment statute. The Financial Report has been audited by the City's independent auditor, Calderon, Jahan and Osborn.

NOTE: See the Redevelopment Agency Agenda of February 24, 1998 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E018-035.)

MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-337:

SUBJECT: North Bay Redevelopment Project.

(See City Manager Report CMR-98-31. Clairemont Mesa, Linda Vista, Mission Valley, Old Town, Uptown, Midway/Pacific Highway Corridor and Peninsula Community Areas. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-858) ADOPTED AS RESOLUTION R-289766

Consenting to a joint public hearing on the proposed  
Redevelopment Plan for the North Bay Redevelopment  
Project;

Establishing the date, time and place for a hearing.

NOTE: See the Redevelopment Agency Agenda of 2/24/98 for a  
companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A203-268.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338:

SUBJECT: Proposed Imperial Irrigation District and San Diego  
County Water Authority Water Transfer Agreement.

(See City Manager Report CMR-98-11, San Diego County  
Water Authority Information, and Why Do We Need Water  
Transfers.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-837) ADOPTED AS RESOLUTION R-289767

Endorsing the proposed San Diego County Water Authority  
(CWA-IID) Water Transfer Agreement.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/21/98, NR&C voted 5-0 to approve the City Manager's recommendation to endorse the CWA - IID Water Transfer Agreement. (Councilmembers Mathis, Wear, Kehoe, Warden and Stallings voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement will provide for the purchase by the County Water Authority (CWA) of 200,000 acre-feet per year of conserved water from IID starting in 1999 with a transfer of 20,000 acre-feet. This will increase by 20,000 acre-feet per year until 200,000 acre-feet is reached. The price of the water is based on the full rate for Metropolitan Water District of Southern California (MWD) water less base wheeling rate and discount. The initial term of the contract is 45 years with either agency able to extend it for an additional 30 years. The agencies have a meet and confer obligation for extending the contract beyond 75 years. A cost effective wheeling agreement between MWD and CWA for the transferred water still remains to be negotiated.

The terms and conditions of wheeling will have very significant impact on the economy and viability of future water transfers between agricultural and urban areas in California. The proposed CWA-IID Water Transfer Agreement is a historic achievement. It is setting an example of how the environment and an economically depressed area may benefit from water transfers while City water users will also save in comparison with the costs of other water supply alternatives. City support of the CWA-IID Water Transfer Agreement is consistent with City Council Policy 400-9, Action Plan for City's Future Water Supply.

FILE LOCATION: MEET CONTFY98-1

COUNCIL ACTION: (Tape location: C199-497.)

MOTION BY WARDEN TO ADOPT THE RESOLUTION. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339: CONTINUED TO MARCH 2, 1998

SUBJECT: Two actions related to Municipal Primary Election on June 2, 1998.

CITY CLERK'S RECOMMENDATION:

Introduce and adopt the Ordinance in Subitem-A and adopt the resolution in Subitem-B:

Subitem-A: (O-98-83)

Introduction and adoption of an Ordinance Calling a Municipal Primary Election in the City of San Diego, on Tuesday, June 2, 1998 for the purpose of nominating candidates for Councilmember for Districts 2, 4, 6 and 8, or electing a Councilmember for Districts 2, 4, 6 and 8, if a candidate receives a majority of votes cast for the office;

Declaring that the election shall be consolidated with the Statewide Primary Election to be held on the same date.

Subitem-B: (R-98-835)

Requesting the Board of Supervisors to consolidate the Municipal Primary Election with the Statewide Primary Election to be held in the City of San Diego on June 2, 1998;

Directing the City Auditor and Comptroller to make payments to the Registrar of Voters.

CITY CLERK'S SUPPORTING INFORMATION:

This is to request that the City Council adopt an ordinance calling the Municipal Primary Election and a resolution requesting the consolidation of this election with the Statewide primary to be held on June 2, 1998.

The Municipal Primary Election will be held for the purpose of conducting elections for Councilmembers for Districts 2, 4, 6 and 8, as well as anticipated propositions the Council approves for placement on the ballot. The resolution requesting consolidation includes a request for the services of the Registrar of Voters. The estimated cost of this election, including the ballot proposals being considered by Council is \$639,000.

Aud. Cert. 9800885.



FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A237-268.)

CONSENT MOTION BY KEHOE TO CONTINUE ITEM-339 THROUGH -342 TO MARCH 2, 1998, FOR LANGUAGE CLARIFICATION . Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-340: CONTINUED TO MARCH 2, 1998

SUBJECT: Two actions related to Calling a Municipal Election to Place Propositions on the Ballot for June 2, 1998.

TODAY'S ACTIONS ARE:

Introduce and adopt the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-98-82)

Introduction and adoption of an Ordinance calling a Municipal Election in the City of San Diego on June 2, 1998, for the purpose of submitting to the qualified voters of the City of San Diego one or more ballot propositions, and consolidating this Municipal Election with the Statewide Primary Election to be held on the same date.

Subitem-B: (R-98-834)

Adoption of a Resolution requesting the consolidation of a Municipal Election to be held in the City of San Diego on June 2, 1998, with the Statewide Primary Election to be held on the same date.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A237-268.)

CONSENT MOTION BY KEHOE TO CONTINUE ITEM-339 THROUGH -342 TO MARCH 2, 1998, FOR LANGUAGE CLARIFICATION . Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-341: CONTINUED TO MARCH 2, 1998

SUBJECT: Two actions related to the Ballot Proposition for the  
Convention Center Referendum for June 2, 1998 Municipal  
Election.

TODAY'S ACTIONS ARE:

Introduce and adopt the ordinance in Subitem A and discuss  
Subitem B:

Subitem-A: (O-98-85)

Introduction and adoption of an Ordinance submitting to  
the qualified voters of the City of San Diego Ordinance  
No. O-18443 (New Series) entitled "An Ordinance of the  
Council of the City of San Diego authorizing and  
approving the execution and delivery of Certificates of  
Participation, making possible the expansion of the San  
Diego Convention Center," for their approval or  
rejection at the Municipal Election of June 2, 1998.

Subitem-B:

Matter of Council direction regarding authorship of  
ballot arguments.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A237-268.)

CONSENT MOTION BY KEHOE TO CONTINUE ITEM-339 THROUGH -342 TO  
MARCH 2, 1998, FOR LANGUAGE CLARIFICATION. Second by  
Stevens. Passed by the following vote: Mathis-yea,  
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-342: CONTINUED TO MARCH 2, 1998

SUBJECT: Three actions related to Ballot Propositions for the  
Gann Waiver for the June 2, 1998 Municipal Election.

TODAY'S ACTIONS ARE:

Introduce and adopt the ordinance in Subitem A and discuss  
Subitem B and Subitem C:

Subitem-A: (O-98-86 Cor. Copy)

Introduction and adoption of an Ordinance submitting to  
the qualified voters of the City of San Diego one  
proposition adopting an ordinance changing the  
appropriations limit for Fiscal Years 2000 through  
2003, at the Municipal Election to be held on June 2,  
1998.

Subitem-B:

Matter of Council direction to the City Attorney  
regarding an impartial analysis in accordance with the  
Elections Code.

Subitem-C:

Matter of Council direction regarding authorship of  
ballot arguments.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A237-268.)

CONSENT MOTION BY KEHOE TO CONTINUE ITEM-339 THROUGH -342 TO  
MARCH 2, 1998, FOR LANGUAGE CLARIFICATION. Second by  
Stevens. Passed by the following vote: Mathis-yea,  
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-343:

SUBJECT: Two actions related to Transient Occupancy Tax Policy  
and Application Procedures and Council Policy 100-03 -  
Transient Occupancy Tax (TOT): Civic Events and  
Promotional Programs.

(See City Manager Reports CMR-98-13, CMR-97-188 and  
CMR-97-175.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-873) ADOPTED AS RESOLUTION R-289773

Approving the policy recommendations and application procedures approved by the Natural Resources and Culture Committee on January 21, 1998 for the Transient Occupancy Tax Policy;

Directing the City Manager to continue to work on developing the final revisions to Council Policy 100-03 based on these recommendations and bring the final revised policy and recommended funding allocations forward for City Council review concurrent with the Fiscal Year 1999 Proposed Budget in May 1998.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/21/98, NR&C voted 4-0 to recommend that the City Council approve the City Manager's recommendations outlined in City Manager's Report CMR-98-13; direct the City Manager to proceed with the development of the TOT Council Policy as indicated in the December 9, 1997 memorandum from Mayor Golding and Councilmember Mathis (CMR-98-13, Attachment 1); and direct the City Manager to work with the Committee Consultant and Working Group to provide the Natural Resources and Culture Committee on March 25, 1998 with a status report about unresolved process and allocation issues. (Councilmembers Mathis, Kehoe, Warden and Stallings voted yea; Councilmember Wear ineligible.)

Subitem-B: (R-98-422) ADOPTED AS RESOLUTION R-289774

Approving the recommendations contained in City Manager Report CMR-97-175, dated September 26, 1997, from the Civic Events and Promotional Programs Working Group, as amended by the Natural Resources and Culture Committee, to revise guideline #5 to read as follows:

5. Support innovation and creativity in programs and events which stimulate a greater awareness of neighborhoods and their unique characteristics.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/1/97, NR&C voted 4-0 to approve the City Manager's recommendations as contained in City Manager's Report CMR-97-175,

except to change Funding Criteria and General Guideline Item #5 to: "Support innovation and creativity in programs and events which stimulate a greater awareness of neighborhoods and their unique characteristics." (Councilmembers Mathis, Kehoe, McCarty and Vargas voted yea; Councilmember Stallings not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

As a result of the City Council review of the Fiscal Year 1998 budget, the Mayor and Councilmember Mathis appointed two working groups to review the Civic Events and Promotional Programs (CEPP) application process and the Transient Occupancy Tax (TOT) Policy, Council Policy 100-03. The CEPP Working Group presented their recommendations to the Natural Resources and Culture (NR&C) Committee on October 1, 1997. Their recommendations are outlined in City Manager's Report CMR-97-175. The TOT Policy Working Group presented their final recommendations on January 21, 1998.

These recommendations are described in City Manager's Reports CMR-97-188 and CMR-98-13. The Natural Resources and Culture Committee unanimously approved the recommendations of the two working groups, and requested the identification of a single point of City contact for TOT application questions. It was discussed and agreed that the Office of the Executive Director for the Committee for Arts and Culture serve as the City's single point of contact.

The City Manager will continue to work on developing the final revisions to the Council Policy based on these recommendations and will bring the final revised policy and recommended funding allocations forward for City Council review concurrent with the Fiscal Year 1999 Proposed Budget in May 1998.

**FILE LOCATION:** Subitems A,B: MEET

**COUNCIL ACTION:** (Tape location: E036-F099.)

MOTION BY WARDEN TO APPROVE THE POLICY AND APPLICATION PROCEDURES AND COUNCIL POLICY 100-03 THAT WENT THROUGH THE NR&C COMMITTEE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500:

SUBJECT: Dwight Booker, Sr. and Christopher Patrick Owen Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-883) ADOPTED AS RESOLUTION R-289768

Proclaiming February 24, 1998 to be "Dwight Booker, Sr. and Christopher Patrick Owen Day" in San Diego and extending heartfelt commendation to each man for his extraordinary actions in the face of grave danger.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A122-196.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ITEM-CS-1: (R-98-906 Cor.Copy) ADOPTED AS RESOLUTION R-289769

A Resolution adopted by the City Council in Closed Session on Tuesday, February 24, 1998:

Authorizing and empowering the City Manager to pay the total sum of \$25,000.00 in settlement of each and every claim by USAA and the County of San Diego against The City of San Diego, its agents and employees, in San Diego Superior Court Consolidated Case No. 6934000, USAA v. Cole Moving and Storage, et al., resulting from an incident which occurred on January 5 and March 6, 1995; authorizing the City Auditor and Comptroller to issue one check in the amount of \$11,000.00, made payable to USAA and their attorney of record, Jon Kodani; and, one check in the amount of \$14,000.00 made payable to the County of San Diego, in full settlement of the lawsuit and of all claims by USAA and County of San Diego against The City of San Diego.

Aud.Cert: 9800973.

FILE LOCATION: MEET

ITEM-CS-2: (R-98-908) ADOPTED AS RESOLUTION R-289770

A Resolution adopted by the City Council in Closed Session  
on Tuesday, February 24, 1998:

Authorizing and empowering the City Manager to pay the sum  
of \$34,300.00 in the settlement of each and every claim  
against The City of San Diego, its agents and employees  
resulting from injuries sustained by Plaintiffs Summer Boyd  
and Teri Lyn Kern, San Diego Superior Court case No. 708996;  
authorizing the City Auditor and Comptroller to issue two  
checks, the first, in the amount of \$25,000.00, made payable  
to Summer Boyd and her attorney of record Julia Haus, and  
the second, in the amount of \$9,300.00, made payable to Teri  
Lyn Kern and her attorney of record Julia Haus, in full  
settlement of the lawsuit and of all claims therein.

Aud.Cert.: 9800975.

FILE LOCATION: MEET

ITEM-CS-3: (R-98-865) ADOPTED AS RESOLUTION R-289771

A Resolution adopted by the City Council in Closed Session  
on Tuesday, February 24, 1998:

Authorizing and empowering the City Manager to pay the sum  
of \$49,560.01 in the settlement of each and every claim  
against The City of San Diego, its agents and employees  
resulting from property damage claim of Thomas and Terri  
Tisdale; authorizing the City Auditor and Comptroller to  
issue one check in the amount of \$49,560.01 made payable to  
Luth & Turley, Inc., in full settlement of all claims.

Aud.Cert.: 9800953.

FILE LOCATION: MEET

ITEM-CS-4: (R-98-913) ADOPTED AS RESOLUTION R-289775

A Resolution adopted by the City Council in Closed Session  
on Tuesday, February 24, 1998:

Authorizing and empowering the City Manager to pay the total sum of \$55,500.00 in the settlement of each and every claim against the City of San Diego, its agents and employees, brought by Mary Beth Tucci, Shannon Whitaker, 20th Century Insurance, and Yefim Lifshits resulting from personal injury; authorizing the City Auditor and Comptroller to issue four checks in the following amounts: (1) \$15,000.00 made payable to Mary Beth Tucci and her attorney, Ernest M. Gross; (2) \$13,500 made payable to Shannon Whitaker and her attorney, Lori Clark; (3) \$9,000.00 made payable to 20th Century Insurance, attorney Steven M. Oneil; and (4) an amount not to exceed \$18,000.00 will be requested in the future with a sum certain payable to Yefim Lifshits and his attorney Arthur Liberty in full settlement of the lawsuit and of the claims.

Aud.Cert.: 9800941.

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 2:59 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F100).